

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 63
AGENDA DATE: Thu 09/01/2005
PAGE: 1 of 1

SUBJECT: C14-05-0066 - Trans - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11704-11706 North Lamar Blvd. (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on August 4, 2005. Vote: 7-0. Applicant and Agent: Mau Tran and Khanh Huynh Tran. City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0066

Z.A.P. DATE: June 07, 2005
June 21, 2005
July 05, 2005

ADDRESS: 11704-11706 North Lamar Boulevard

APPLICANT: Mau Tran and Khanh Huynh Tran

ZONING FROM: LO

TO: GR

AREA: 4.90 acres*
Amended to 2.566 acres

* The applicant submitted a request to the staff on July 26, 2005 to amend the boundary of the rezoning area to include only the front/or eastern 400-feet of the property (staff proposed Tract 1) – Attachment D. The applicant is asking to remove the remaining western portion of the site because the staff and the Zoning and Platting Commission recommended LO-CO zoning for this area (staff proposed Tract 2) and this area is already zoned LO, Limited Office District, zoning.

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is for GR-CO, Community Commercial-Conditional Overlay District, zoning for the front/or eastern 400-feet of the property (Tract 1) and LO-CO, Limited Office-Conditional Overlay District, zoning for the remaining 360-390 feet/or western portion of the property aligned with Walnut Creek (Tract 2) – Please see Attachment A. The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses:

Automotive rentals
Automotive sales
Business or trade school
Commercial off-street parking
Financial services
Funeral services
Hotel-motel
Indoor sports and recreation
Outdoor sports and recreation
Pet services
Service station
Community recreation (private)
Congregate living
Guidance services
Private secondary educational facilities

Automotive repair services
Automotive washing (of any type)
Business support services
Exterminating services
Food sales
General retail sales (general)
Indoor entertainment
Off-site accessory parking
Pawn-shop services
Research services
Theater
Community recreation (public)
College and University facilities
Hospital services (limited)
Residential treatment

In addition, drive-in service as an accessory use to restaurant general and limited shall be prohibited.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

6/07/05: Postponed to June 21, 2005 by the neighborhood (9-0); J. Martinez-1st, J. Gohil-2nd.

6/21/05: Postponed to July 5, 2005 by the applicant (8-0, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.

7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the uses set out by staff, except to allow Food Sales as a permitted use.

Approved LO-CO zoning for Tract 2. The conditional overlay will limit Tract 2 to NO (Neighborhood Office) development regulations, prohibit Medical uses, prohibit parking for uses developed on Tract 1, and require a minimum 100 foot development setback from the centerline of Walnut Creek.

Vote: (7-1, C. Hammond-Nay; M. Hawthorne-Absent)

ISSUES:

* Since the applicant recently amended the proposed rezoning boundary for this case, the staff has not had sufficient time to review the validity of the petition. The staff will work with GIS to clarify the effects of the new case area on the petition percentage before the City Council public hearing on August 2, 2005.

At the July 5, 2005 Zoning and Platting Commission meeting, the neighborhood presented the staff with additional signatures for their petition against the proposed rezoning. The petition is valid at 20.37%.

On June 21, 2005, the staff received a fax from the applicant requesting a postponement of this case to July 5, 2005 so that they could seek representation.

The neighborhood presented the staff with a petition in opposition to the proposed rezoning on June 13, 2005 (Attachment C). The staff has verified that the petition contains 19.06 % of the property owner's signatures within 200 feet of the proposed rezoning site. At that time, the petition was considered invalid because regulations set out in the Land Development Code:

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
- (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent*

of the area of land:

(a) included in the proposed change; or

(b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

On May 24, 2005, the staff received a postponement request for this case to the June 21, 2005 meeting from the Walnut Creek Neighborhood Association (Attachment B). This is the neighborhood's first postponement request and it was made in a timely manner.

DEPARTMENT COMMENTS:

The property in question is currently developed with an appliance repair business fronting North Lamar Boulevard. There are two existing one story, single-family homes and a mobile home located on the western portion of this lot. The property was annexed by the city on November 15, 1984 (case C7a-84-019). The applicant is requesting GR, Community Commercial District, zoning for the site to bring the existing Consumer Repair Services use on the property into conformance with the City of Austin Land Development Code and to construct general retail uses on the site.

The staff recommends GR-CO zoning for the first 400-feet of the property (Tract 1) and LO-CO for the remaining 360-390 feet of the site (Tract 2). The proposed 400-foot depth limit for Tract 1 is consistent with the location of existing commercial buildings to the north of this site. The staff recommends GR-CO zoning for Tract 1 because the proposed zoning will allow for commercial development with frontage on North Lamar Boulevard, a major arterial roadway. The current use on the site is compatible with adjacent commercial development to the north, south, and east of this tract. The staff's recommendation for the conditional overlay on Tract 1 is consistent with the approved zoning in case C14-03-0133, which rezoned a property to the north last year. However, the staff recommends adding Consumer Repair Services as a permitted use on this site to allow the existing use to continue on the property.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. In addition, Limited Office zoning on Tract 2 will allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

The North Lamar Area Study recommends LO, Limited Office District, zoning for the properties in this area. However, the North Lamar Area Study has not been strictly upheld along this section of western side of North Lamar Boulevard, as intensive commercial uses have developed along the frontage of this arterial roadway.

The applicant has not stated if he agrees or disagrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Appliance Repair, Two Single-Family Homes, Mobile Home
<i>North</i>	LO	Sign Shop, Office
<i>South</i>	LO	Duplexes, Warehouses
<i>East</i>	LO	Office (Used Car Sales in parking lot), Convenience Storage, Undeveloped Tract
<i>West</i>	SF-2	Single-Family Residential Neighborhood

AREA STUDY: North Lamar Area Study **TIA:** Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 64 – River Oaks Lakes Estates Neighborhood
- 85 – Walnut Creek Neighborhood Association
- 114 – North Growth Corridor Alliance
- 197 – North Park Estates Homeowners Association
- 511 – Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0133	DR, LO to GR	10/5/04: Approved staff's recommendation of GR-CO district zoning for Tract 1 and LO-CO district zoning for Tract 2. Additional condition for Tract 1 is LR development standards. The following uses are removed from the prohibited use list: Business or Trade School; General Retail Sales (General); Business Support Services; Consumer Repair Services; Financial Services, and Pet Services (9-0); K. Jackson-1 st , J. Martinez-2 nd .	10/21/04: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0); 1 st reading 11/4/04: Approved GR-CO zoning for Tract 1 and LO-CO for Tract 2 (7-0); 2 nd /3 rd readings
C14-03-0162	LO to GR-CO	12/2/03 – Postponed at the request of staff, due to a notice error (9-0) 12/16/03 – Approved GR-CO, with added condition (8-0)	1/29/04: Approved GR-CO (5-0); all 3 readings

C14-00-2020	RR to GO-CO	4/18/00: Denied (6-0)	8/30/00: Withdrawn
C14-00-2152	DR to LO-CO	8/22/00: Approved LO-CO. The CO prohibits access to North Bend Dr. and limits trips to 2,000 per day (8-0)	10/5/00: Approved LO-CO (5-0); all 3 readings
C14-99-2055	RR to NO	11/16/99: Approved staff rec. of RR by consent (6-0-1, B. Baker-abstain)	9/21/00: Withdrawn-There was a mapping error, the property was already zoned NO.

RELATED CASES: C14-85-149 (North Lamar Area Study)
C7A-84-019 (Annexation - November 15, 1984)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Boulevard	100'	60'	Major Arterial	N/A

CITY COUNCIL DATE: August 4, 2005

ACTION: Approved ZAP recommendation for GR-CO zoning (7-0); 1st reading only

September 1, 2005

ACTION:

ORDINANCE READINGS: 1st 7/04/05

2nd

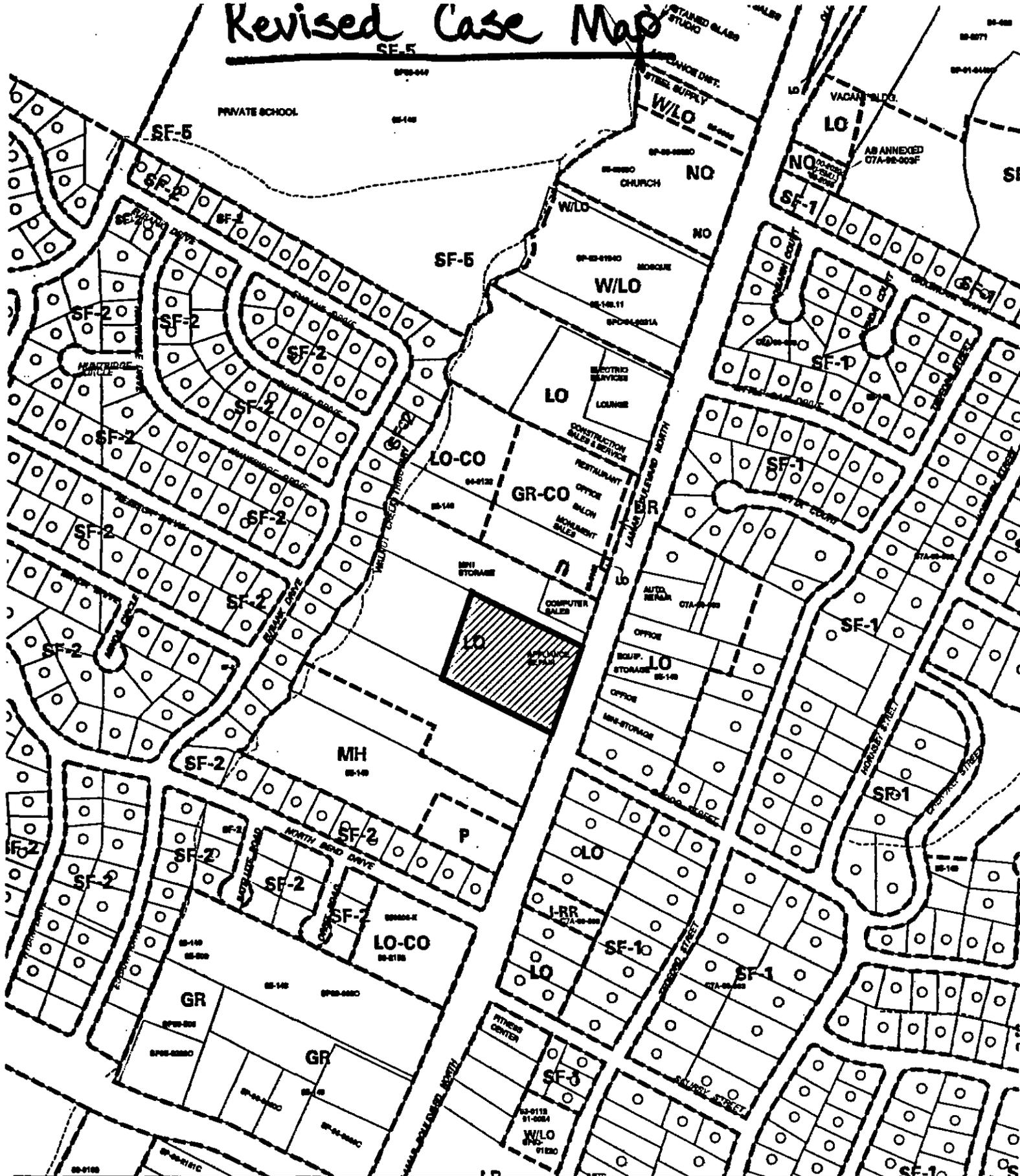
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us

Revised Case Map



 1" = 400' METERS 1:25000	SUBJECT TRACT 	ZONING CASE #: C14-05-0066 ADDRESS: 11704-11706 N LAMAR BLVD SUBJECT AREA (acres): 2.566	DATE: 05-07 INTLS: SM	CITY GRID REFERENCE NUMBER M32
	PENDING CASE 			

STAFF RECOMMENDATION

Staff's alternate recommendation is for GR-CO, Community Commercial-Conditional Overlay District, zoning for the front/or eastern 400-feet of the property (Tract 1) and LO-CO, Limited Office-Conditional Overlay District, zoning for the remaining 360-390 feet/or western portion of the property aligned with Walnut Creek (Tract 2). The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Commercial off-street parking	Exterminating services
Financial services	Food sales
Funeral services	General retail sales (general)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor sports and recreation	Pawn-shop services
Pet services	Research services
Service station	Theater
Community recreation (private)	Community recreation (public)
Congregate living	College and University facilities
Guidance services	Hospital services (limited)
Private secondary educational facilities	Residential treatment

In addition, drive-in service as an accessory use to restaurant general and limited shall be prohibited.

BASIS FOR RECOMMENDATION

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The Limited Office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods.

The applicant's request meets the purpose statement for the GR and LO zoning districts as set forth in the Land Development Code. The property in question is fronts onto a major arterial roadway and will provide for services for surrounding neighborhood and community needs.

2. The proposed zoning should promote consistency, and orderly planning.

The proposed rezoning is consistent with the commercial nature of the area. There is GR-CO, LO-CO, and LO zoning to the north of this site and most of the properties along this portion of North Lamar are developed with GR and CS district uses. Surrounding uses include mini-storage (Convenience Storage) and retail sales uses to the north, and equipment sales, automotive sales, office, and mini-storage uses to the east, across N. Lamar Boulevard.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. Limited Office zoning will also allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

3. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The subject tract is located on and takes access to North Lamar Boulevard, a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is currently occupied with an appliance repair business, which fronts North Lamar Boulevard. There is a gravel drive along the western portion of the property that leads to two existing single-family structures and a mobile home.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 11,117 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning

classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is not available within ¼ mile of the property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lamar Boulevard	100'	Varies	Major Arterial

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility relocation to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional

identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

7. **Rezoning:** C14-05-0066 - TRANS
Location: 11704 & 11706 North Lamar Boulevard, Walnut Creek Watershed
Owner/Applicant: Mau Tran
Request: LO to GR
Postponements: Postponed from 6/7/05 (neighborhood); Postponed from 6/21/05 (applicant)
Staff Rec.: RECOMMENDATION OF GR-CO FOR TRACT 1, LO-CO FOR TRACT 2
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED GR-CO ZONING FOR TRACT 1. THE CONDITIONAL OVERLAY FOR TRACT 1 WILL PROHIBIT THE USES SET OUT BY STAFF, EXCEPT TO ALLOW FOOD SALES AS A PERMITTED USE.

APPROVED LO-CO ZONING FOR TRACT 2. THE CONDITIONAL OVERLAY WILL LIMIT TRACT 2 TO NO (NEIGHBORHOOD OFFICE) DEVELOPMENT REGULATIONS, PROHIBIT MEDICAL USES, PROHIBIT PARKING FOR USES DEVELOPED ON TRACT 1, AND REQUIRE A MINIMUM OF 100' DEVELOPMENT SETBACK FROM THE CENTERLINE OF WALNUT CREEK.

[B.B, T.R 2ND] (7-1) C.H – NAY; M.W – ABSENT

8. **Zoning:** C14-05-0065.SH - Harris Branch Apartments
Location: 12317 Dessau Road, Harris Branch Watershed
Owner/Applicant: Dessau 21, Ltd. (Paul Joseph)
Agent: Thrower Design (Ron Thrower)
Postponements: Postponed from 6/7/05 (neighborhood)
Request: I-RR to MF-2
Staff Rec.: RECOMMENDATION OF MF-2-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR MF-2-CO DISTRICT ZONING WITH CONDITIONAL OVERLAY:

- 2000 VEHICLE TRIP LIMIT;
- 70' OF RIGHT-OF-WAY FROM THE EXISTING FUTURE CENTERLINE TO DESSAU ROAD IN ACCORDANCE WITH THE TRANSPORTATION PLAN;
- MAXIMUM OF 248 UNITS

[J.M; T.R 2ND] (7-1) B.B – NAY; M.W – ABSENT

Facilitator: Thomas Bolt

City Attorney: David Lloyd, 974-2198; For any legal questions call David Lloyd or Marty Terry, 974-2974.



LITTLE OAK DRIVE

SF-1

JETTA COURT

DUFFWARD NORTH

LO

AUTO REPAIR

77-L-00-003

LO

EQUIP STORAGE

CAPRON STREET

FRR

77-L-00-003

GR-CO

LO-CO

04-0113

85-145

EQUIP STORAGE

MH

WALNUT CREEK TRIBUTARY

SF-2

SILBURY DRIVE

SF-2

HUNTSHIRE DRIVE

SF-2

LEOBANK DRIVE

SF-2

NORTH BEND DRIVE

SF-2

SPRINGLE ROAD

SF-2

Sirwaitis, Sherri

From: Wayne Tobias [watobias@us.ibm.com]
Sent: Tuesday, May 24, 2005 11:31 AM
To: Sirwaitis, Sherri; Bolt, Thomas
Subject: Request for postponement of C14-05-0066

Sherri,

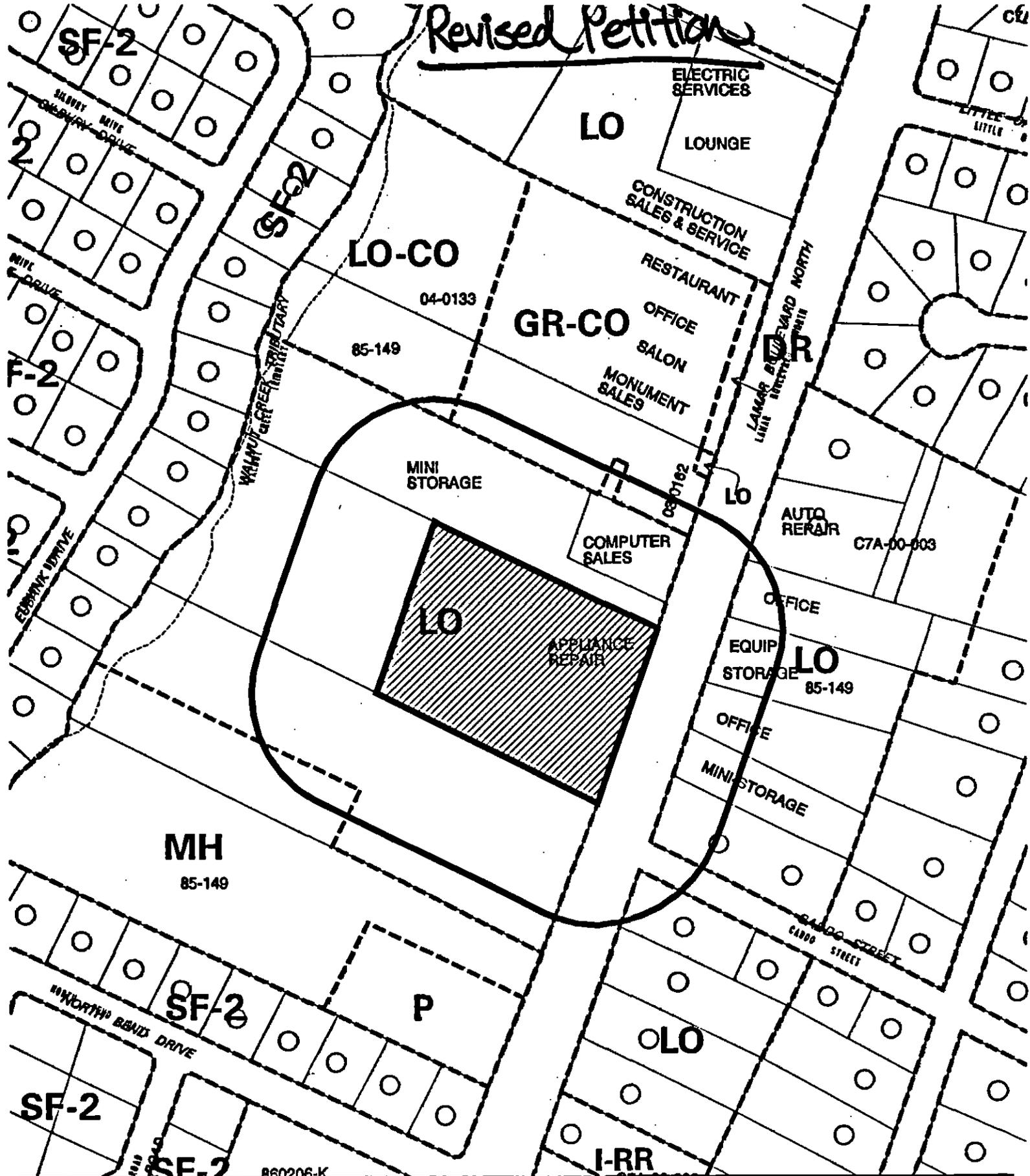
On behalf of the neighborhoods near 11704 & 11706 North Lamar Blvd, I would like to postpone ZAP discussion of case number C14-05-0066 to June 21, 2005. I discussed this case with Jennet Klotz, Chair of the North Corridor Alliance of neighborhoods and we agreed this case should be delayed.

In addition, we request postponed case from May 17, C14-05-0042 (11601 N Lamar), go before this case on the agenda. Both cases are within a block of each other along this section of Lamar.

Thank you,

Wayne Tobias
Walnut Creek Neighborhood Association President
wk: 838-1809
hm: 873-0170

Revised Petition



 1" = 200' 85-149	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T. BOLT	  	PETITIONS CASE #: C14-05-0066 ADDRESS: 11704-11706 N LAMAR RIVD. SUBJECT AREA (acres): 2.560	DATE: 05-08 INTLS: SM	CITY GRID REFERENCE NUMBER M32 C7A-00/003
	860206-K				

PETITION

Case Number:

C14-05-0066

Date:

Aug. 1, 2005

Total Area within 200' of subject tract: (sq. ft.)

403,538.99

1				0.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

0.00

Total %

0.00%

1

RESIDENTS OF NORTH PARK ESTATES
NEIGHBORHOOD ASSOCIATION IN SUPPORT OF
ZONING CHANGE REGARDING
11704 AND 11706 NORTH LAMAR BLVD.,
AUSTIN, TEXAS

CASE NUMBER C14-05-0066

The following North Park Estates residents support the zoning change at 11704 and 11706 North Lamar Blvd., Austin, Texas, from LO - Limited Office to GR - Community Commercial:

Name	Address
<u><i>Paul E. Smith</i></u>	<u>11306 Circle Bend Dr., Austin, TX</u>
<u><i>Rose M. Snider</i></u>	<u>11306 Circle Bend Dr., Austin, TX</u>
<u><i>Shirley Bruner</i></u>	<u>11307 Circle Bend Dr. Austin, TX</u>
<u><i>Pamela Lurgant-Lawrence</i></u>	<u>11307 Circle Bend Dr Austin, TX</u>
<u><i>Pamela G. Fowler</i></u>	<u>11401 Circle Bend Dr. ^{Austin, TX} 78758</u>
<u><i>Jerry Fowler</i></u>	<u>11401 Circle Bend Dr Austin TX 78758</u>
<u><i>Milton Gordon</i></u>	<u>11400 Circle Bend Dr Austin</u>

IN RE CASE # C14-05-0066 ZONING CHANGE

Crystal Gooden
Hinnie Yashaw
Ina Leavelle

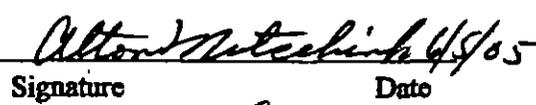
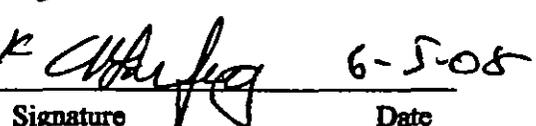
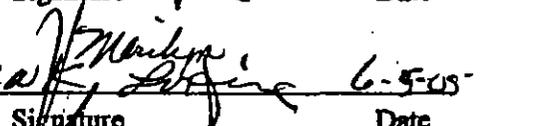
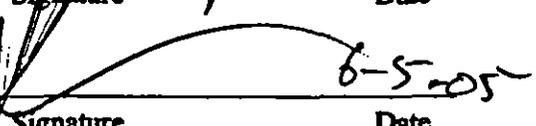
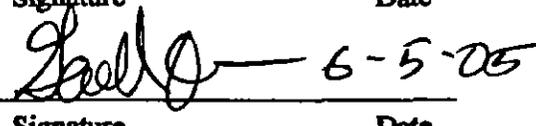
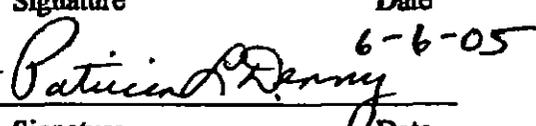
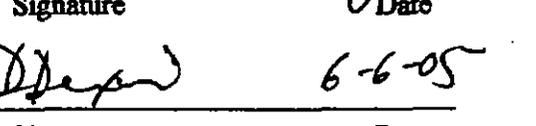
11400 Circle Bend Dr. Austin, TX
11303 Circle Bend Dr Austin TX
11301 Circle Bend Dr.

Petition

Regarding rezoning request, case number C14-05-0066

As residential neighbors of property that is requested to be rezoned (11704 and 11706 N. Lamar Blvd.) we believe that the requested zoning changes would result in increased noise levels, possible damage to Walnut Creek, and would establish a rezoning trend that would dramatically diminish the quality of life in our neighborhood. For these and other reasons ...

We, the undersigned property owners and residents of North Park Estates in Austin, TX, oppose the requested rezoning from a Limited Office district to a Community Commercial district, and ask that the rezoning request be denied.

MARCUS Montemayor	901 Hantridge Dr		6/5/05
Name (print)	Address	Signature	Date
ALTON MUTSCHINK	900 REBECCA DR.		6/5/05
Name (print)	Address	Signature	Date
HOWARD Tanner	901 REBECCA DR		6-5-05
Name (print)	Address	Signature	Date
CARLTON & MARIYAN LOEFING	11605 EUBANK		6-5-05
Name (print)	Address	Signature	Date
MARIYAN LOEFING	11605 EUBANK		6-5-05
Name (print)	Address	Signature	Date
Sahjeev Verma	11600 Eubank		6-5-05
Name (print)	Address	Signature	Date
Gerald Owen	11611 Eubank Dr		6-5-05
Name (print)	Address	Signature	Date
Patricia L Denny	11703 Eubank Dr		6-6-05
Name (print)	Address	Signature	Date
Doug Dixon	11703 Eubank Dr		6-6-05
Name (print)	Address	Signature	Date
LEE Papliński	901 Miranda Drive		6/6/05
Name (print)	Address	Signature	Date

Petition

Regarding rezoning request, case number C14-05-0066

As residential neighbors of property that is requested to be rezoned (11704 and 11706 N. Lamar Blvd.) we believe that the requested zoning changes would result in increased noise levels, possible damage to Walnut Creek, and would establish a rezoning trend that would dramatically diminish the quality of life in our neighborhood. For these and other reasons ...

We, the undersigned property owners and residents of North Park Estates in Austin, TX, oppose the requested rezoning from a Limited Office district to a Community Commercial district, and ask that the rezoning request be denied.

B. L. SCHAEFER 1001 MINDA 78758 B L Schaefer 6-1-05
Name (print) Address Signature Date

JEANETTE K. SCHAEFER 1001 MINDA 78758 Jeanette K Schaefer 6-1-05
Name (print) Address Signature Date

L. OUIS WALDMAN 11609 EUBANK DR Louis Waldman 6/1/05
Name (print) Address Signature Date

KATALIN WALDMAN 11609 EUBANK DR Katalin Waldman 6.1.05
Name (print) Address Signature Date

Lila J. Lewis 11607 EUBANK Dr. 78758 Lila J. Lewis 6-1-05
Name (print) Address Signature Date

G. Ashley Lewis 11607 Eubank Dr. 78758 (512) 821-1504 G. Lewis 6/1/5
Name (print) Address Signature Date

Louis H McCoy 11613 EUBANK DR (512) 836-5289 Louis H McCoy 6-5-05
Name (print) Address Signature Date

Dorris G. McCoy 11613 Eubank Dr. Dorris G. McCoy 6-5-05
Name (print) Address Signature Date

Gary Moss 11701 Eubank Dr Gary Moss 6-5-05
Name (print) Address Signature Date

Michael Wellman 11705 Eubank Dr Michael Wellman 6-5-05
Name (print) Address Signature Date

Petition

Regarding rezoning request, case number C14-05-0066

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ROSA & RAFAELA GARCIA	11801 EUBANK	Rofol. Javi	6-6-05
Name (print)	Address	Signature	Date

VICKI FRUTKIN	903 REBECCA	Vicki Frutkin	6-20-05
Name (print)	Address	Signature	Date

MARTIN F. HORAN	11603 EUBANK DR	Martin F. Horan	6-20-05
Name (print)	Address	Signature	Date

Name (print)	Address	Signature	Date
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Name (print)	Address	Signature	Date
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Name (print)	Address	Signature	Date
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Name (print)	Address	Signature	Date
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Name (print)	Address	Signature	Date
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Name (print)	Address	Signature	Date
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Name (print)	Address	Signature	Date
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Sirwaitis, Sherri

From: Carlton Lorfing [cplorfing@worldnet.att.net]
Sent: Sunday, June 05, 2005 7:18 PM
To: Sirwaitis, Sherri
Subject: C14-05-0066 Objection

9. Rezoning: C14-05-0066 - TRANS

Location: 11704 & 11706 North Lamar Boulevard, Walnut Creek Watershed

Owner/Applicant: Mau Tran

Request: LO to GR

Staff Rec.: RECOMMENDATION OF GR-CO FOR TRACT 1, LO-CO FOR TRACT 2

Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department

As a neighbor within 300 feet of this proposed change, I am completely opposed to the changes as recommended by staff. This property fronts on a tributary of Walnut Creek and changes in use will most likely change the flow and quality of water into this creek. This area of the creek is prone to erosion and the increase in water flow will result in neighbors along Eubank Drive being subjected to erosion of their property.

The addition of commercial development of this nature will certainly reduce the property value of my property due to the increased noise, pollution, traffic and crime that could result if a fast food or convenience type establishment was included in the development. The back of the property butts to the small creek only one lot north of my property.

In reviewing the first letter which contained the plat of the property, it shows that the property being requested for a zoning change extends to the inside of the utility easement for property owners on Eubank. This is incorrect as the deeds for our property clearly shows that the property line extends to the center line of the tributary for Walnut Creek. If this zoning is approved as this plat shows, the city will be rezoning the utility easement for the property owners that join the two properties in question.

This area is heavily wooded and serves as a path way for wildlife from the Walnut Creek Park into the areas behind the homes in Walnut Estates. If this property is completely cleaned out, there will be a large number of mature trees that will be cut down. If this zoning is approved, I would expect that any construction plans would require the addition of trees totaling the total caliber of those trees destroyed. The trees required by the City as a normal requirement should not be included in this determination. If the developer removes 5 trees 18 inches in diameter, he would plant an additional 30 trees 3 in diameter, 22 trees 4 inch caliber.

I did not have enough time to send in the written comments form which was sent to me, since I did not look at the second

6/6/2005

letter until the next door neighbor informed me that the objection form was included.

Signed Carlton and Marilyn Lorfing, 11605 Eubank Drive 512-836-2082

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0066

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

June 7, 2005 Zoning and Platting Commission

GREGORY GRIFFIN, P.E.

Your Name (please print)

11711 NORTH LAMAR

Your address(es) affected by this application



Signature

5/27/05

Date

Comments: I DO NOT WANT THIS

SECTION OF NORTH LAMAR

TO BECOME WHAT IT IS

SOUTH OF BRAVER LANE!



If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-05-0066

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

June 7, 2005 Zoning and Platting Commission

LOUIS & KATALIN WALDMAN

Your Name (please print)

11609 EUBANK DR

Your address(es) affected by this application

Katalin Waldman

Signature

6/3/05
Date

Comments:

This rezoning would destroy the natural habitat for many animals and destroy our natural forest and creek.

We don't believe in harming the greenbelt.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



PUBLIC HEARING INFORMATION

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Item 9

Case Number: C14-05-0066
 Contact: Sherri Sirwatis, (512) 974-3057
 Public Hearing:
 June 7, 2005 Zoning and Planning Commission

I am in favor
 I object

Your Name (please print)
Dennis W Sheahan

Your address(es) affected by this application
11712 McHenry Blvd

Signature
Dennis W Sheahan Date
6/17/05

Comments: I own the adjacent property and I oppose of this change.

If you use this form to comment, it may be returned to:
 City of Austin
 Neighborhood Planning and Zoning Department
 Sherri Sirwatis
 P. O. Box 1088
 Austin, TX 78767-8810

**Mau Tran
12617 Scofield Farms Dr.
Austin, TX 78727
512-825-9473 (mobile)**

July 26, 2005

City of Austin
Zoning and Planning Commission
Austin, Texas

**Re: Case # C14-05-0066
Applicant: Mau Tran and Khanh H. Tran
Zoning Change: From LO to GR
Case Manager: Sherri Sirwaitis**

Dear Ms. Sirwaitis:

In regards to the above referenced application, I would like to amend our application for a zoning change to the subject property. Per the recommendations of the Zoning and Planning Commission, the subject property has been divided into two tracts (for zoning purposes) consisting of Tract One and Tract Two.

Please accept this letter as a formal amendment to the application, such that the zoning change from LO to GR is for Tract One only as in accordance with the recommendation of the Commission. The zoning for Tract Two shall remain LO in accordance to restrictions.

If you have any questions or problems in regards to this request, please do not hesitate to contact me.

Sincerely,



Mau Tran